

**COMMENTS ON THE LEGAL AUTHORITY
OF NEW CASTLE COUNTY TO
IMPLEMENT A LOCAL PRETREATMENT PROGRAM**

A legal authority review has been conducted for the New Castle County (County) draft of Ordinance No. 01- "To Amend Chapter 38 of the New Castle County Code Relating to the Regulation of Non-Domestic Wastewater Dischargers" submitted April 30, 2002 (hereinafter referred to as "ordinance"). The intent of the review was to determine whether, after adoption, the County ordinance includes adequate authority to implement and enforce a pretreatment program in compliance with the General Pretreatment Regulations set forth in 40 Code of Federal Regulations (CFR) Part 403. In addition, the review looked for areas where the ordinance might be strengthened to further improve the County pretreatment program.

This legal authority review was conducted only for the County draft ordinance. The review did not include ordinances of municipalities which send their wastewater to the County's treatment plant. These municipal ordinances are a necessary part of the County's pretreatment program and the County must ensure that these ordinances are updated as well.

Based on this legal authority review, the County will need to revise its draft ordinance before it will be acceptable for implementation of the pretreatment program. After adoption by the County and the municipalities served by the County's treatment plant, the revisions must be submitted to EPA for approval as a pretreatment program modification in accordance with 40 CFR 403.18. While EPA cannot approve the revisions until the County's ordinance and other municipal ordinances are enacted, it may be appropriate to submit a revised draft for review prior to enactment. If a revised draft is submitted, highlighting the changes from this draft will help speed the review process.

Most of the comments below correspond to the attached legal authority checklist. Items on the checklist marked "No Revision" comply with minimum federal requirements. Items checked "Revision Recommended" provide acceptable legal authority which may be strengthened through revisions. Items identified as "Revision Required" either are missing from the ordinance or are inconsistent with minimum legal authority requirements for approved pretreatment programs.

A. Definitions

Although the federal pretreatment regulations do not require local sewer use ordinances to include a definitions section, definitions clarify and strengthen substantive pretreatment program provisions. To the extent that the County chooses to use terms which are defined in the General Pretreatment Regulations, the County's definitions may not be less stringent or inclusive than EPA's definitions. Where key terms must be construed differently than their common meaning, definitions are also required.

(3) New Source (Revision Required) - The County's definition of "New Source" is essentially correct except that it cites Section 306 of the Clean Water Act. The correct definition cites Section 307(c) of the Clean Water Act.

(8) Significant Noncompliance (Revision Recommended) - The County's definition of this term uses the term "Control Authority", but does not define what this means. It is recommended that the County use the term "County" in place of "Control Authority", or define "Control Authority" in the ordinance.

(10) Other Definitions

(a) Authorized Representative (Revision Required) - The County's definition of "Authorized Representative" refers to 40 CFR 403.12(6). The correct reference is 40 CFR 403.12(1). In addition, it is recommended that the definition be written out in the ordinance rather than simply providing a reference to the EPA regulations. The definition from EPA's Model Ordinance is enclosed.

(b) Composite Sample (Revision Recommended) - While it is acceptable as written, the County's definition of "Composite Sample" may be too specific and inflexible. For example, it does not allow that a composite be taken over a period of time of less than six hours, and that if a series of grab samples are used a grab must be taken each hour and the grab proportioned according to flow. While it may be appropriate to include a specific definition such as this in an individual permit to ensure that the user collects its samples appropriately, the County may want to be somewhat less specific in the ordinance to allow for different circumstances at the users. The definition of composite sample from EPA's sampling and inspection guidance is enclosed.

(c) NPDES (Revision Required) - The County's definition of "NPDES" references 40 CFR Chapter 1, Part 122. The correct reference

is 40 CFR Chapter I, Part 122.

B. Prohibited Discharges

(1) General Prohibitions

(a) Pass Through (Revision Recommended) - Section 38-267(7)(d) of the County's draft ordinance prohibits discharges which pass to the receiving stream and cause a violation of the state or federal regulations. While this is probably sufficient, the definition of "pass through" in EPA's regulations cites discharges which cause a violation of the NPDES permit. It is therefore recommended that "or NPDES permit" be added to the end of this section.

(2) Specific Prohibitions

(c) Solid or Viscous/Obstruction (Revision Recommended) - Section 30-267(7)(a) of the draft ordinance prohibits substances which cause obstruction in the sewer system. Section 38-267(8) of the draft ordinance prohibits solid or viscous substances, including but not limited to those materials listed. Together these two provisions are sufficient to meet the requirement that the ordinance prohibit solid or viscous substances which cause obstruction. However, the ordinance prohibition on solid or viscous substances in Section 38-267(8) is very broad since many substances can be "solid or viscous". It may be more appropriate to prohibit "solid or viscous substances which cause obstruction to the flow in the sewer system" to better define this prohibition.

(e) Heat (Revision Required) - Section 38-267(1) of the draft ordinance prohibits discharges that cause the influent of the treatment plant to exceed 104°F as required by 40 CFR 403.5(b)(5).

However, 403.5(b)(5) also generally prohibits heat in amounts that will inhibit biological activity in the POTW, even where the discharge does not cause the influent of the treatment plant to exceed 104°F. Therefore, this additional language must be added to the County's ordinance.

(f) Petroleum/Nonbiodegradeable Cutting/Mineral Oils (Revision Required) - Section 38-267(2) of the draft ordinance prohibits discharges of oil in excess of 100 mg/l, and allows the County to establish lower limits if necessary to prevent interference or pass through. However, 40 CFR 403.5(b)(6) prohibits oil in any amounts that cause pass through or interference. Since the County's ordinance language does not specifically prohibit discharges below 100 mg/l which cause pass through or interference, it must be revised

to reflect the EPA regulatory requirement.

(g) Toxic Gases/Vapors/Fumes (Revision Required) - Section 38-267(5) of the County's draft ordinance prohibits pollutants which cause toxic gases "in a facility that may cause acute worker health and safety problems." It appears that the word "facility" should be "quantity."

(3) Enforceable Local Limits (Revision Recommended) - Section 38.02.703 of the draft ordinance lists the County's local limits. However, this section does not specifically indicate whether the limits are instantaneous maximum limits, daily maximum limits, or some kind of average limits. Generally when the type of limit is not specified, it is assumed to be an instantaneous maximum limit. In any case, it is recommended that the County specify which type of limit the values represent. In addition, this section is numbered differently than the rest of the ordinance, which may be confusing. It is recommended that this section be numbered as 38-268.

C. Control Discharges to POTW System

(2) Individual Control Mechanism to Ensure Compliance

(a) Statement of Duration (Revision Recommended) - Section 38-269(f) of the draft ordinance indicates that permits will be issued for a specified period of time, and Section 38-269(d)(11) of the draft ordinance allows the County to put conditions as necessary into the permits. However, 40 CFR 403.8(f)(1)(ii)(A) requires that permits include a statement of duration (i.e., issuance and expiration dates). While the draft ordinance gives the County the ability to include the statement of duration, since it is specifically required in the permits, it is recommended that Section 38-269(d) specifically authorize this provision.

(b) Statement of Nontransferability (Revision Recommended) - Section 38-269(g) of the draft ordinance indicates that permits may not be transferred to new owners, and Section 38-269(d)(11) of the draft ordinance allows the County to put conditions as necessary into the permits. However, 40 CFR 403.8(f)(1)(ii)(B) requires that permits include a statement of nontransferability. While the draft ordinance gives the County the ability to include the statement of nontransferability, since it is specifically required in the permits, it is recommended that Section 38-269(d) specifically authorize this provision.

(3) Require Development of Slug/Spill Plan (Revision Recommended)

Section 38-270(c) of the draft ordinance authorizes the County to require development of an accidental discharge/slug control plan for significant industrial users. While EPA's regulations only require that the County periodically review the need for a slug control plan at significant users, it is recommended that the County's ordinance allow it to require development of these plans from any industrial user, and not only significant users.

D. Require Sampling and Reporting

(2) Requirement to Conduct Representative Sampling (Revision Required)

- Section 38-271(4) of the draft ordinance states that sampling "shall usually be" representative, and this section appears to be intended to dictate requirements for County sampling. No other provision in the draft ordinance was found which addresses the requirement for user sampling to be representative of normal discharges in accordance with 40 CFR 403.12(g)(3). If this section was intended to dictate County sampling requirements, a provision must be added to the County ordinance which requires that all sampling conducted by the users be representative of normal discharges. If this provision is intended to apply to users, it must be clarified and revised to state that all sampling must be representative of normal discharges (not only "usually").

(3) Reporting Requirements

(b) Compliance Schedule Monitoring Report (Revision Recommended) - Section 38-269(e)(3) of the County's draft ordinance requires submission of compliance schedule progress reports "stated in subsections 38-269(b)(10), (d)(9), and this subsection." However, since those sections of the ordinance do not include actual schedules, more appropriate wording may be "submitted or issued in accordance with subsections..."

(d) Periodic Compliance Report (Revision Required) - Section 38-269(d)(6) of the County's draft ordinance authorizes the County to require monitoring and reporting through the permits. However, 40 CFR 403.12(e) and (h) require categorical and significant noncategorical users to submit at least semiannual monitoring reports. The County's ordinance must be revised to require at least semiannual reports independent of whether the County can require reporting through the permits. It is recommended that a new paragraph be added which requires all significant users to submit semiannual reports which include sampling and analytical results

for all regulated pollutants unless required more frequently through the user's permit.

(e) Notice of Potential Problems (Revision Required) - Section 38-273(a) of the County's draft ordinance requires users to notify the County in the event of an accidental discharge. However, 40 CFR 403.12(f) requires that users report any discharges which exceed the prohibitions in 403.5(b) and any other discharges which could cause problems to the POTW. Since this language is broader than the County's requirement to report accidental discharges, the County's ordinance must be revised.

(g) Notice of Changed Discharge (Revision Required) - Section 38-269(d) (10) of the County's draft ordinance authorizes the County to include a provision in user permits which requires the user to notify the County of changes at the facility. However, the General Pretreatment Regulations require that all industrial users, independent of whether or not they have been issued a permit, notify the POTW of changes in the discharge. The County must therefore include a provision in the ordinance which requires this notification independent of the permit requirement.

(k) Record Keeping Requirement (Revision Required) - Section 38-269(d) (8) of the County's draft ordinance authorizes the County to include a provision in user permits which requires the user to maintain records relating to wastewater discharges at the facility. However, the General Pretreatment Regulations require that all industrial users, independent of whether or not they have been issued a permit, maintain records, and specifies what those records must include. The County must therefore include a provision in the ordinance which requires that records be maintained independent of the permit requirements. The ordinance must also specify what records must be maintained.

E. Inspection and Monitoring Procedures

(2) Right to Inspect for Compliance (Revision Recommended) - The last sentence of Section 38-271(1) states that the County "shall have no authority to inquire into any manufacturing process beyond that point having direct bearing on the kind and source of discharge..." However, in order to verify that sections of the facility have no bearing on the discharge to the County's system, the County must review those areas of the facility, and periodically revisit them to ensure that no changes have occurred. Therefore,

the last sentence of this section should be deleted from the ordinance.

(5) Right to Inspect and Copy Records (Revision Required) - Section 38-269(d) (8) of the County's draft ordinance authorizes the County to include a provision in user permits which allows it to inspect and copy records relating to wastewater discharges at the facility.

However, the County must have access to records at all industrial users, independent of whether or not they have been issued a permit.

The County must therefore include a provision in the ordinance which allows it to inspect and copy records independent of the permit requirements.

F. Remedies for Noncompliance

(1) Nonemergency Relief

(c) Administrative Penalties (Revision Recommended) - Section 38-276(e) of the County draft ordinance authorizes the County to issue fines when violations occur. However, the language in this section states that the user "shall be fined." This could be interpreted to mean that each user must be fined every time it has a violation. While this would be acceptable, most ordinances state that the POTW may impose a fine for a violation rather than require a fine. It is recommended that the County ordinance allow the fine, but not require it.

G. Public Participation

(1) Publish List of Users in SNC (Revision Recommended) - Section 30-274 of the draft County ordinance requires the General Manager to publish the list of user that were in SNC "during the twelve (12) previous months." Since this is done on an annual basis, it may be more appropriate to publish the list from "the previous calendar year," to clearly indicate the period to which the publication applies and that it is an annual publication rather than a periodic publication that occurs more frequently.

(2) Access to Data

(a) Government (Revision Required) - Section 38-275 of the draft County ordinance states that the County will release information to a government agency without restriction unless the user demonstrates that the information is confidential. However, the County may not withhold information from EPA and the State, and the

ordinance must reflect this.

H. Optional Provisions

(4) Special Agreements/Variations

(a) Prohibit Changes to Federal Standards and Requirements (Revision Required) - Section 38.02.703(b) of the draft ordinance allows the County to make special agreements to accept waste in excess of the local limits. Since it is limited in scope to the local limits, it does not address federal standards and requirements. However, Section 38-269(h) allows variances to requirements of "this section." Since "this section" includes several requirements which are included in the General Pretreatment Regulations, Section 38-269(h) must be revised to specifically prohibit variances to those federal requirements. Including a phrase such as "and pretreatment requirements found in the General Pretreatment Regulations, 40 CFR 403" after "National Prohibitive Discharge Standards" should resolve this issue.

(b) Establish Cap Based on MAIL (Revision Required) - Section 38.02.703(b) of the draft ordinance allows the County to accept wastes in excess of the local limits, but does not limit the extent to which the County may increase the local standard for a given user or set of users. In establishing the local limits, the County calculates the maximum allowable headworks loading (MAHL) which represents the maximum loading of various pollutants that the County can safely accept without causing pass through and interference.

From the MAHL, the County subtracts the loading of each pollutant that is received from unregulated sources, and the remainder is the maximum allowable industrial loading (MAIL). Since the MAIL is the calculated loading that the County can safely accept from industrial users without causing pass through or interference, the County may not allocate more than the MAIL to the industrial users. If a variance or special agreement provision is to be included in the ordinance which allows discharges in excess of the local limit, the County must include a cap on the additional loading that may be allocated to the users. Language such as, "In no case shall a special agreement allow the total loading allocated to all regulated industrial users to exceed the maximum allowable industrial loading calculated during the most recent local limits evaluation." As an alternative, the County could list the actual calculated MAILs for each pollutant in the ordinance.

(c) Granted in Writing (Revision Required) - Both Section 38.02.703(b) and Section 38-269(h) of the draft ordinance allow for

special agreements and/or variances, but do not require that approval of the agreement/variance be in writing. In order to document that the agreement/variance has actually been granted through mechanisms established in the ordinance, EPA is requiring that the ordinance require that the agreement/variance be granted in writing. The granting of the agreement/variance should also be documented in the user's permit fact sheet. If any agreements/variances are granted, EPA will also require that the County maintain a spreadsheet, or similar mechanism, which shows the loading allocated to each user, the total loading allocated to all users, and the MAIL to demonstrate that the MAIL has not been exceeded.

(5) Pretreatment (Revision Recommended) - Section 38-270(b) of the draft ordinance states that when preliminary treatment facilities are required, they must be maintained. It is recommended that the word "preliminary" be deleted and that the County require that all treatment facilities be maintained.

(6) Disputed Constituent Concentration (Revision Recommended) - Section 38-271(5) of the draft ordinance sets up a process for disputed sample results, and indicates that the process *may* be followed. It is recommended that the deadline for submission of a request for review of the disputed results be *required* to be submitted within a definite time frame to ensure that a user cannot dispute sample results because enforcement has begun. In addition, Section 38-271(5)(c) states that if resampling occurs as a result of the disputed sample, the resampling results will not replace the disputed results for purposes of determining compliance. However, in the event that the original results were found to be invalid for some reason, it may be appropriate to discard them.

(7) Typographical Errors (Revision Recommended) - Two minor typographical errors were found during the review of the draft ordinance. Copies of these pages with the error noted are enclosed.

DATE: June 7, 2002

MUNICIPALITY: New Castle County

LEGAL AUTHORITY CHECKLIST

This checklist sets out the minimum requirements necessary for a POTW to comply with the federal pretreatment regulations (40 CFR §403). The pretreatment ordinance reviewed must be no less stringent than the listed provisions. The checklist also includes several optional provisions (H(1-4)).

The optional provisions need not be included in the ordinance, but if they are, they must be no less stringent than the regulatory provision. The basic definitions should be provided in order that the remainder of the ordinance will make sense, even though they are not required by 40 CFR §403. The requirements which a POTW must meet are set out in 40 CFR 403.8(f). This checklist incorporates other sections which are necessary to comply with 403.8(f). All cites in brackets, [], refer to Title 40.

In addition, each section of the checklist references the June 1992 MODEL PRETREATMENT ORDINANCE (MODEL). The MODEL was developed by EPA as a guide for POTW's in developing their pretreatment programs. The references to the MODEL are included to provide the reviewer/municipality with an example of an adequate provision which meets or exceeds the federal regulations. A pretreatment ordinance does not have to conform to the MODEL.

NONE = No Revision Necessary **REC** = Recommended **REQ** = Required

	REVISION			ORDIN. SECTION
	NONE	REC	REQ	
A. Definitions [403.3 (unless otherwise noted)]				
(1) Industrial User or User MODEL §1.4 (GG)	X			38-266
(2) Interference, MODEL §1.4 (L)	X			38-266
(3) New Source, MODEL §1.4 (N)			X	38-266
(4) Pass Through, MODEL §1.4 (P)	X			38-266
(5) Pretreatment Requirement MODEL §1.4 (U)	X			38-266
(6) Pretreatment Standard MODEL §1.4 (V)	X			38-266
(7) Significant Industrial User MODEL §1.4 (AA)	X			38-266

	REVISION			ORDIN. SECTION
	NONE	REC	REQ	
(8) Significant Noncompliance [403.8(f) (2) (vii)], MODEL §9		X		38-266
(9) Slug Load or Slug [403.8(f) (2) (v) & 403.12(f)] MODEL §1.4(BB)	X			38-266
(10) Other Needed Definitions				
(a) Authorized Representative			X	38-266
(b) Composite Sample		X		38-266
(c) NPDES			X	38-266
B. Prohibited Discharges				
(1) General Prohibitions [403.5(a)] MODEL §2.1(A)				
(a) Interference	X			38-267 (7) (b)
(b) Pass Through		X		38-267 (7) (d)
(2) Specific Prohibitions [403.5(b)]				
(a) Fire/Explosive Hazard MODEL §2.1(B) (1)	X			38-267 (4)
(b) pH/Corrosion MODEL §2.1(B) (2)	X			38-267 (10)
(c) Solid or Viscous/Obstruction MODEL §2.1(B) (3)		X		38-267 (7) (a) 38-267 (8)
(d) Flow Rate/Concentration MODEL §2.1(B) (4)	X			38-267 (7) (c)
(e) Heat, MODEL §2.1(B) (5)			X	38-267 (1)
(f) Petroleum/Nonbiodegradable Cutting/Mineral Oils MODEL §2.1(B) (6)			X	38-267 (2)
(g) Toxic Gases/Vapors/Fumes MODEL §2.1(B) (7)			X	38-267 (5)
(h) Trucked/Hauled Wastes MODEL §2.1(B) (8)	X			38-267 (6)
(3) Enforceable Local Limits [403.8(f) (4) & 403.5(c) & (d)] MODEL §2.4		X		38.02.703 (a)

	REVISION			ORDIN. SECTION
	NONE	REC	REQ	
(4) National Categorical Standards [403.8(f)(1)(ii) & 403.6] MODEL §2.2	X			38.02.703 (d)
(5) Prohibition Against Dilution as Treatment [403.6(d)], MODEL §2.6	X			38.02.703 (f)
C. Control Discharges to POTW System				
(1) Deny/Condition New or Increased Contributions [403.8(f)(1)(i)] MODEL §§4.7, 5.2	X			38-269 (d)
(2) Individual Control Mechanisms to Ensure Compliance [403.8(f)(1)(iii)], MODEL §§4,5				
(a) Statement of Duration		X		38-269 (d) (11) 38-269 (f)
(b) Statement of Nontransferabil.		X		38-269 (d) (11) 38-269 (g)
(c) Effluent Limits	X			38-269 (d) (2) 38-269 (d) (5)
(d) Self-Monitoring & Reports	X			38-269 (d) (6)
(e) Applicable Civil & Criminal Penalties	X			38-269 (d) (7)
(3) Require Development of Slug/Spill Plan [403.8(f)(2)(v)], MODEL §3.3		X		38-270 (c)
(4) Develop Compliance Schedule for Installation of Technology [403.8(f)(1)(iv)] MODEL §§5.2(B)(2), 10.4	X			38-269 (d) (9) 38-276 (d)
D. Require Sampling and Reporting				
(1) Use of EPA Approved Procedures [40 CFR 136], MODEL §6.10	X			38-271 (3)
(2) Requirement to Conduct Representative Sampling [403.12(g)(3)], MODEL §6.4(b)			X	38-271 (4)
(3) Reporting Requirements				
(a) Baseline Monitoring Report and/or Permit Application				

	REVISION			ORDIN. SECTION
	NONE	REC	REQ	
[403.12(b)], MODEL §§4.5, 6.1				
(i) Identifying Information	X			38-269 (a) 38-269 (b) (1)
(ii) Permits	X			38-269 (a) 38-269 (b) (12)
(iii) Description of Oper.'s	X			38-269 (a) 38-269 (b) (7) 38-269 (b) (8)
(iv) Flow Measurement	X			38-269 (a) 38-269 (b) (2)
(v) Msrmnt. of Pollutants	X			38-269 (a) 38-269 (b) (3) 38-269 (b) (14)
(vi) Certification	X			38-269 (a) 38-269 (b) (9)
(vii) Compliance Schedule	X			38-269 (a) 38-269 (b) (10)
(b) Compliance Schedule Monitoring Report [403.12(c)], MODEL §6.2		X		38-269 (e) (3)
(c) Report on Compliance with Categorical Deadline [403.12(d)], MODEL §6.3	X			38-269 (e) (3)
(i) Appropriate O&M/ Pretreatment Certificat.	X			38-269 (e) (3)
(d) Periodic Compliance Report MODEL §6.4				
(i) From Categorical Users [403.12(e)]			X	38-269 (d) (6)
(ii) From Significant Noncat. Users [403.12(h)]			X	38-269 (d) (6)
(e) Notice of Potential Problems [403.12(f)], MODEL §6.6			X	38-273 (a)
(f) Notice of Violation/ Resampling Requirement [403.12(g) (2)], MODEL §6.8	X			38-271 (6)

	REVISION			ORDIN. SECTION
	NONE	REC	REQ	
(g) Notice of Changed Discharge [403.12(j)], MODEL §6.5			X	38-269 (d) (10)
(h) Notification of Discharge of Hazardous Wastes [403.12(p)] MODEL §6.9	X			38-269 (b) (13) 38-269 (e) (2)
(i) Submission of All Monitoring Data [403.12(g) (5)] MODEL §6.4(c)	X			38-269 (e) (4)
(j) Data Accuracy Certification/ Authorized Signatory [403.6(a) (2) (ii) & 403.12(1)] MODEL §4.6	X			38-269 (e) (1)
(k) Record Keeping Requirement [403.12(o)], MODEL §6.13			X	38-269 (d) (8)
E. Inspection and Monitoring Procedures [403.8(f) (1) (v)] MODEL §7.1				
(1) Right to Enter at Reasonable Times	X			38-271 (1)
(2) Right to Inspect Generally for Compliance		X		38-271 (1)
(3) Right to Take Independent Samples	X			38-271 (1)
(4) Right to Require Installation of Monitoring Equipment	X			38-271 (2)
(5) Right to Inspect and Copy Records			X	38-269 (d) (8)
F. Remedies for Noncompliance (Enforcement) [403.8(f) (1) (vi)]				
(1) Nonemergency Response				
(a) Injunctive Relief, MODEL §11.1	X			38-277 (a)
(b) Civil/Criminal Penalties MODEL §§11.2, 11.3	X			38-277 (b) (1)
(i) Use of Act 9				N/A
(ii) Penalty Appeals	X			38-279
(c) Administrative Penalties MODEL §10.6		X		38-276 (e)
(2) Emergency Response - Immediately Halt Actual/Threatened Discharge	X			38-276 (f)

	REVISION			ORDIN. SECTION
	NONE	REC	REQ	
MODEL §§10.7, 10.8				
G. Public Participation				
(1) Publish List of Industrial Users in Significant Noncompliance [403.8(f) (2) (vii)], MODEL §9		X		38-274
(2) Access to Data [403.8(f) (1) (vii) & 403.14], MODEL §8				
(a) Government			X	38-275
(b) Public	X			38-275
H. Optional Provisions:				
(1) Net/Gross Calculation [403.15] MODEL §2.2 (D)	X			N/A
(2) Upset [403.16], MODEL §13.1	X			N/A
(3) Bypass [403.17], MODEL §13.3	X			N/A
(4) Special Agreements/Variiances				
(a) Prohibit Changes to Federal Standards and Requirements			X	38.02.703 (b) 38-269 (h)
(b) Establish Cap Based on MAIL			X	38.02.703 (b)
(c) Granted in Writing			X	38.02.703 (b) 38-269 (h)
(5) Pretreatment		X		38-270 (b)
(6) Disputed Constituent Concentration		X		38-271 (5)
(7) Typographical Errors		X		See attachments